

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TONY NELSON,

Plaintiff,

vs.

No. CIV 10-0553 JB/DJS

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BERNALILLO,
a political subdivision of the STATE OF NEW MEXICO,
CITY OF ALBUQUERQUE, a political
subdivision of the STATE OF NEW MEXICO,
R.T. JOHNSTON, an Officer of the
Albuquerque Police Department, Individually,
D. HUGHS, an Officer of the Albuquerque
Police Department, Individually,
A. LIMON, an Officer of the Albuquerque
Police Department, Individually,
S. WEIMERSKIRCH, an Officer of the
Albuquerque Police Department, Individually,
Derrick Wulff, J. Sather, and JOHN
AND JANE DOES 1-X, Officers of the
Albuquerque Police Department, Individually,

Defendants.

AMENDED FINAL JUDGMENT

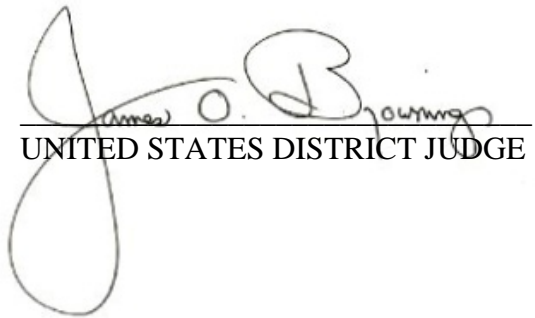
THIS MATTER comes before the Court on: (i) the Notice of Voluntary Stipulated Dismissal, filed July 15, 2010 (Doc. 22)(“First Dismissal”); (ii) the Notice of Voluntary Stipulated Dismissal, filed July 15, 2010 (Doc. 23)(“Second Dismissal”); (iii) the Order, filed October 5, 2011 (Doc.124); and (iv) the Memorandum Opinion and Order, filed October 20, 2017 (Doc. 219)(“MOO”). In the First Dismissal, the Court dismissed without prejudice all of Plaintiff Tony Nelson’s claims against Defendants Derrick Wulff and J. Sather. See First Dismissal at 1. In the Second Dismissal, the Court dismissed with prejudice all of Nelson’s

claims against Defendants Board of County Commissioners for the County of Bernalillo and John/Jane Does 1-X Officers of the Bernalillo County Sheriff's Office. See Second Dismiss at 1. In the Memorandum Opinion and subsequent Order, the Honorable Bruce Black, Chief United States District Judge of the United States District Court for the District of New Mexico, dismissed Nelson's Municipal Liability Claim against Defendant City of Albuquerque from his Amended Complaint for Civil Rights Violations & Violation of the New Mexico Tort Claims Act, filed July 15, 2010 (Doc. 21)("Amended Complaint"). See Order at 1. At trial, Judge Black orally dismissed with prejudice Nelson's Failure-to-Train claim against the City of Albuquerque in his Amended Complaint. See Trial Transcript at 723:1-726:1, taken October 26, 2011, filed June 29, 2012, (Doc. 191).¹ In the MOO, the Court dismissed Nelson's Excessive Force and Battery Claims against Defendants R.T. Johnson, D. Hughs, A. Limon, S. Weimerskirch and the City of Albuquerque in Nelson's Amended Complaint. With no remaining claims or parties for the Court to address, the Court enters this Amended Final Judgment in compliance with rule 58 of the Federal Rules of Civil Procedure.

IT IS ORDERED: (i) The Plaintiff's Amended Complaint for Civil Rights Violations & Violation of the New Mexico Tort Claims Act, filed July 15, 2010 (Doc. 21) is dismissed; (ii) the Plaintiff's claims against Defendants Derrick Wulff and J. Sather are dismissed without

¹In the trial transcript cited, Judge Black notes that he would take the Defendants' rule 50(a) of the Federal Rules of Civil Procedure motion to dismiss the Plaintiff's failure to train claim under advisement. The trial record has no further colloquy on the failure to train claim, but the Court understands that Judge Black dismissed it, because the jury instructions contain no instructions on that claim, nor does the jury verdict form provide a vehicle for the jury to render a verdict on that claim. See Court's Instructions to the Jury at 1-32, filed October 31, 2011 (Doc. 153); Verdict Form at 1-2, filed October 31, 2011 (Doc. 155).

prejudice; (iii) all other claims and parties are dismissed with prejudice; and (iv) Final Judgment is entered.



UNITED STATES DISTRICT JUDGE

Counsel:

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-- and --

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-- and --

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